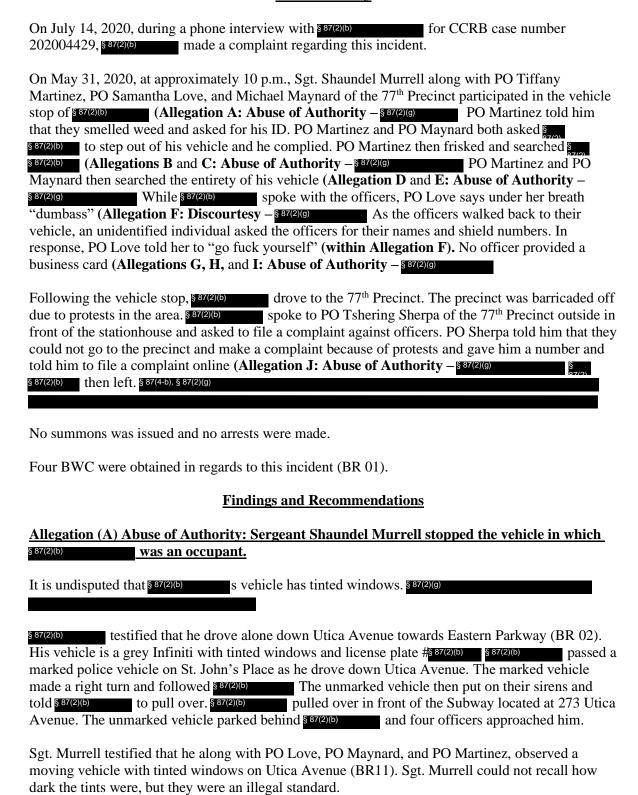
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	☑ Discourt.	☐ U.S.
Julia Moran		Squad #6	202005010	Ø	Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	I	Precinct:	18 Mo. SOL	EO SOL
Sunday, 05/31/2020 10:00 PM, Su 05/31/2020 10:00 PM	nday,	273 Utica Avenue 77th Precinct			77	11/30/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Received at CCl	RB
Tue, 07/14/2020 2:30 PM		CCRB	Phone		Tue, 07/14	1/2020 2:30 PM	
Complainant/Victim	Туре	Home Addre	ess				
Subject Officer(s)	Shield	TaxID	Command				
1. POF Tiffany Martinez	02382	965310	077 PCT				
2. POM Michael Maynard	05449	958911	077 PCT				
3. POF Samantha Love	02842	966677	077 PCT				
4. SGT Shaundel Murrell	05584	946048	077 PCT				
5. POM Tshering Sherpa	12950	968803	077 PCT				
Officer(s)	Allegation	on			Inve	estigator Recon	nmendation
A.SGT Shaundel Murrell	Abuse: In front of 273 Utica Avenue in Brooklyn, Sergeant Shaundel Murrell stopped the vehicle in which was an occupant.						
B.POF Tiffany Martinez	Abuse: In front of 273 Utica Avenue in Brooklyn, Police Officer Tiffany Martinez frisked § 87(2)(b)						
C.POF Tiffany Martinez	Abuse: In front of 273 Utica Avenue in Brooklyn, Police Officer Tiffany Martinez searched \$\frac{87(2)(b)}{273}\$						
D.POF Tiffany Martinez	Abuse: In front of 273 Utica Avenue in Brooklyn, Police Officer Tiffany Martinez searched the vehicle in which was an occupant.						
E.POM Michael Maynard	Abuse: In front of 273 Utica Avenue in Brooklyn, Police Officer Michael Maynard searched the vehicle in which was an occupant.						
F.POF Samantha Love	Discourtesy: Police Officer Samantha Love spoke discourteously to an individual.						
G.POF Tiffany Martinez	Abuse: Police Officer Tiffany Martinez failed to provide with a business card.						
H.POM Michael Maynard	Abuse: Police Officer Michael Maynard failed to provide with a business card.						
I.SGT Shaundel Murrell	Abuse: Sergeant Shaundel Murrell failed to provide with a business card.						
J.POM Tshering Sherpa	Abuse: Police Officer Tshering Sherpa did not process s complaint regarding officers.						
§ 87(4-b), § 87(2)(g)							



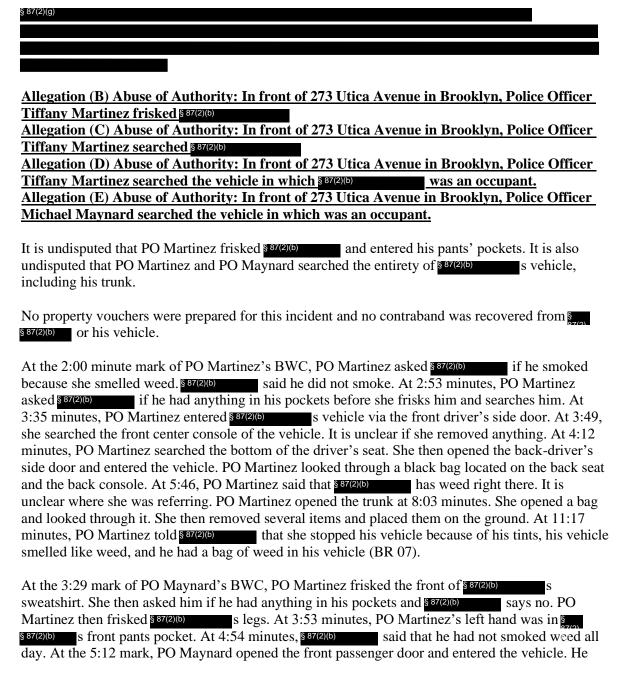
## **Case Summary**



PO Martinez, PO Love, and PO Maynard's testimonies were consistent with Sgt. Murrell's

testimony about observing \$87(2)(b) s tinted windows (BR 09, 10, 12).

Vehicle Traffic Law 375.12-b states that no person shall operate any motor vehicle upon any public highway, road or street the front windshield of which is composed of, covered by or treated with any material which has a light transmittance of less than seventy percent unless such materials are limited to the uppermost six inches of the windshield; or the sidewings or side windows of which on either side forward of or adjacent to the operator's seat are composed of, covered by or treated with any material which has a light transmittance of less than seventy percent (BR 15). Police officers may legally stop a vehicle when they have probable cause to believe that a traffic violation has occurred, regardless of their primary motivation. People v. Robinson, 97 N.Y.2d 341 (2001) (BR 14).



opened various compartments and looked through them. At 5:51 minutes, PO Maynard asked another officer if there was a lot of stuff somewhere. He then removed items from the center console. PO Maynard asked PO Martinez if they cleared an area because there were rolling papers in there. At 6:19 minutes, PO Maynard entered through the back-passenger's side door. He searched through a pile of clothing on the seat and then the back console. At 8:43 minutes, PO Maynard told [837(2)(5) that PO Martinez had a legal reason to stop him because of his window tints (BR 08).

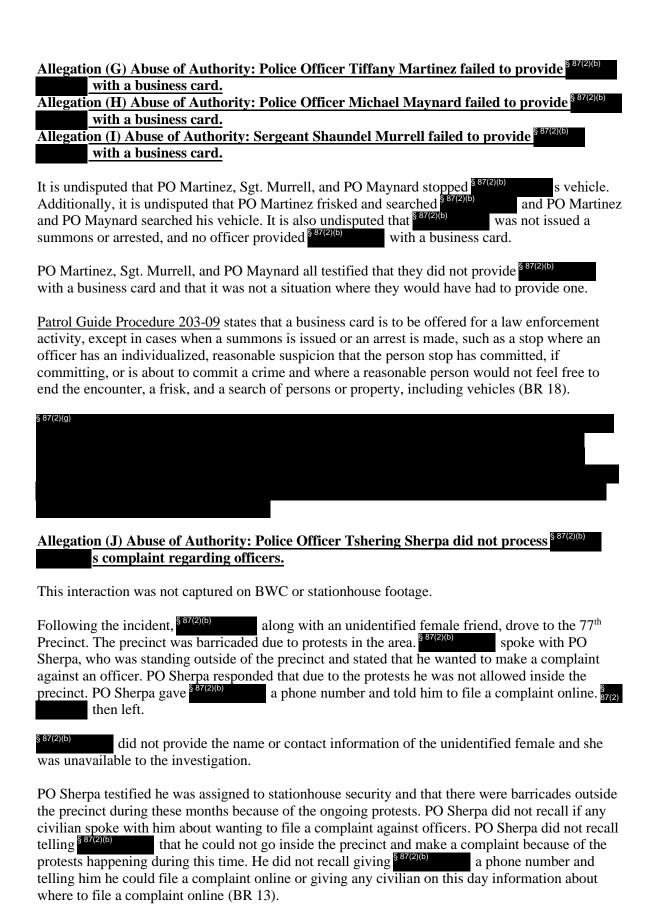
testified that he rolled all his vehicle's windows down as PO Martinez and PO Maynard approached on the driver's side. PO Martinez asked (\$87(2)(5) for his ID and told him that she smelled weed. PO Martinez and PO Maynard asked § 87(2)(b) to step out of his vehicle and he complied. Once he exited, either PO Martinez or PO Maynard frisked him. The officer made contact with every part of his body and entered the front and back pockets of his jeans. The officer did not recover anything. When \$87(2)(b) went to the rear of his vehicle, he saw PO Martinez search his vehicle. PO Martinez then told \$87(2)(b) to sit in his vehicle and told him to open his trunk. §87(2)(b) told her that he did not consent to a search of the trunk. PO Martinez then took his keys and opened his trunk. After the officers searched his vehicle, PO Maynard told \$87(2)(b) that they pulled him over for his tints. When \$87(2)(b) asked PO Martinez if she found weed, she stated there was weed in the backseat of the vehicle. §87(2)(b) did not have any weed in his vehicle. PO Martinez testified that she asked \$87(2)(b) numerous times to step out of the vehicle so they could check him for safety measures. \$87(2)(b) was combative and yelled and refused to step out. \$87(2)(b) and the officers went back and forth for about a minute trying to get him to exit his vehicle. PO Martinez and PO Maynard patted \$87(2)(b) on his waist band to check that there were no weapons. There was nothing specific that PO Martinez could recall about whether \$ 87(2)(b) had any weapons on his body. Nothing was recovered on \$ 87(2)(b) Neither PO Martinez nor PO Maynard entered any of \$87(2)(b) speckets. PO Martinez made the decision to search the vehicle because she smelled marijuana and observed a bag of marijuana in the back of the vehicle. During the search, PO Martinez found a small bag of marijuana in the back seat that had residue, but it was not a significant amount. PO Martinez informed \$87(2)(b) PO Maynard testified that upon approaching \$37(2)(b) s vehicle, he smelled burnt marijuana. PO Martinez searched \$87(2)(b) s vehicle on the driver's side, he searched on the passenger side. PO Maynard did not recall if there was any conversation amongst the officers about searching

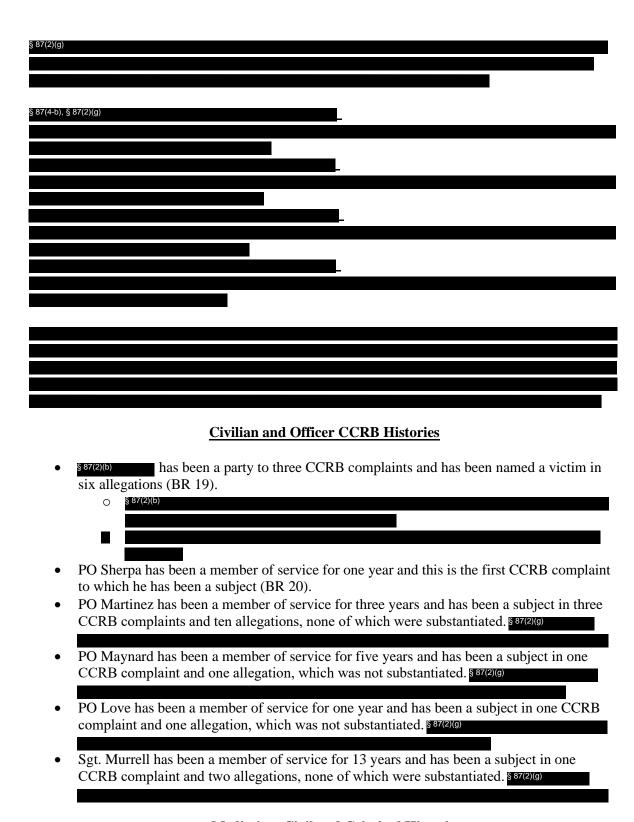
PO Love smelled marijuana while she approached the vehicle. She could not recall if the odor was burnt or unburnt marijuana. She could not say where she was when she first smelled the marijuana. PO Love could not remember how she knew the smell was coming from \$87(2)(5) so vehicle and not the surrounding area. No conversation was had amongst the officers about the smell of marijuana. PO Love did not recall seeing any marijuana in \$87(2)(5) so vehicle, but Sgt. Murrell indicated with his hand that there was something in the vehicle. She did not know what he was specifically referring to. She learned that there was marijuana in the cup holder but did not recall how she found out about it.

s vehicle. It was a team decision to search §87(2)(b) s vehicle.

Sgt. Murrell observed a small amount of marijuana inside \$37(2)(b) s vehicle as he approached the vehicle. He could not recall where in the vehicle the marijuana was or how much marijuana he observed, only that is was an insignificant amount. He could not recall what form the marijuana was in, but it was green and leafy. The windows of \$37(2)(b) s vehicle were rolled down, but he could not recall which ones. Sgt. Murrell did not smell an odor of marijuana. He could not say if

any officer entered \$87(2)(b) s vehicle and did not observe any officer search his vehicle. He never became aware of any officer searching \$97(2)(b) s vehicle. There was no discussion amongst officers about searching his vehicle.
§ 87(2)(g)
Allogation (E) Discounteers Police Officer Somewho I are an also discounteers by to
Allegation (F) Discourtesy: Police Officer Samantha Love spoke discourteously to § 87(2)(b)
This allegation was captured via BWC footage and was not alleged by a civilian.
At the 10:04 mark, \$37(2)(b) was speaking with officers and PO Love's BWC footage captured her say under her breath "dumbass." It is unclear who the profanity was directed towards. At 12:16, asked the officers what their badge numbers were and then asks if the officers were going to ignore her. In response, PO Love stated again in a low tone, "go fuck yourself" (BR 05).
PO Love did not recall using any profanity. Upon reviewing her BWC from the 10:00 minute to 10:05 minute mark, PO Love testified that she could only hear people mumbling and could not hear someone saying "dumbass." The video was then played from the 12:17 mark to the 12:21 mark and PO Love heard someone say, "go fuck yourself," but she could not recognize who said it. She testified that it could have been herself or someone else on scene. She could not say who else could have made the statement. PO Martinez was the only other female officer on scene.
DAO-DCT Case number 2017-17005 states that the tribunal has held that profane remarks, made during stressful situations or while an officer is trying to get a chaotic situation under control, are not misconduct (BR 16). The NYPD is committed to accomplishing its mission by treating every citizen with compassion, courtesy, professionalism and respect. Officers pledge to value human life, respect the dignity of each individual and render our services with courtesy and civility, <a href="Patrol_Guide Section 200-02">Patrol_Guide Section 200-02</a> (BR 17).
§ 87(2)(g)
§ 87(2)(g)





## **Mediation, Civil and Criminal Histories**

- \$87(2)(b) declined to mediate this complaint.
- As of October 19, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 25).

• [§ 87(2)(b)] [§	● [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]								
Squad No.:	6								
Investigator:	Julia Moran	Inv. Julia Moran	1/25/2022						
investigator	Signature Signature	Print Title & Name	Date						
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Squad Leader: <u>.</u>	Jessica Peña	IM Jessica Peña	1/25/2022						
	Signature	Print Title & Name	Date						
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Reviewer: _	Cianatura	Print Title & Name	 Date						
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